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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,769	10/04/2004	Claes-Goran LINDEN	7298.143.PCUS00	5768
28694 7590 07/12/2007 NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER VANTERPOOL, LESTER L	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,769

Applicant(s)

LINDEN, CLAES-GORAN

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-13 & 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Examiner notes applicant is evoking 35 U.S.C 112, six paragraph in claims 1, line 5 and 11, line 4 by reciting "means for gripping".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 5 – 8 & 10 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grim (U.S. Patent Number 4877169).

Grim discloses the foot part (14) having the base part and a housing part (See Figure 5), the foot part (14) having an upper end for attachment to the load carrier bar (13) (See Figure 1), and the foot part (14) having the lower end for mounting on the roof (12) edge area on the vehicle (See Figure 1), the foot part (14) having the clamping plate (18) for securing the foot part (14) to the roof (12) of the vehicle (See Figure 1), the clamping plate (18) having integral gripping means (20) for gripping the body fold located under the body edge area of the vehicle (See Figures 1 & 3), the clamping plate (18) being in pivotable engagement with the foot part (14) by means of the pivot pin (33) and in tightenable engagement (24) with the foot part (14) by means of the tightening

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arrangement (24) (See Figures 2 & 3), the foot part (14) and the clamping plate (18) each having contact faces (See clamping plate and foot part surface connections in Figure 3) which are located under the pivot pin (33) when the load carrier foot (See Figure 1) is secured to the vehicle roof (12) (See Figure 3), prevent the clamping plate (18) from turning about the pivot pin (33) and causing the gripping means (20) to lose its grip on the body fold when the clamping plate (18) is tightened against the foot part (14), wherein the pivot pin (33) is pivotable connected to the foot part (14) (See Figure 3), the clamping plate (18) and the foot part (14) each have contact faces (See clamping plate and foot part surface connections in Figure 3) which are located above the pivot pin (33) (See contact face above the bottom portion of the pivot pin (33) in Figure 3) and, which further prevent the clamping plate gripping means (20) from losing its grip on the body fold when the clamping plate (18) is tightened by the tightening arrangement.

However, Grim does not disclose the faces interacting in the locking manner.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Grim which is capable of being used in the intended manner, i.e., the faces in Grim are capable of incorporating a snap fit connection between the faces (see M.P.E.P. 2111).

Regarding claim 2, Grim discloses the pivot pin (33) is connected to walls included in the housing part (See Figure 5)

Regarding claim 3, Grim discloses the housing part has walls formed with channels into which the pivot pin is seated (See Figure 5).

Regarding claim 5, Grim discloses the clamping plate (18) is movable in the downward direction with respect to the foot part (14) for enabling the contact faces (See Figure 3) to become separated from removing the load carrier foot (See Figure 1) from the roof (12) of the vehicle (See Figure 1).

Regarding claim 6, Grim discloses the foot part (14) having an upper end for attachment to the load carrier bar (13) (See Figure 1), and the lower end for mounting on the roof edge are (See Figure 1); and the clamping plate (18) for gripping the body fold of the vehicle and securing the foot part (14) to the roof (12) of the vehicle (See Figure 1), the clamping plate (18) being coupled to the foot part by the tightening mechanism (24) (See Figures 2 & 3) and pivot pin (33) in pivotal engagement with the foot part (14), wherein the foot part (14) and the clamping plate (18) are each provided with contact faces above (See contact face above the bottom portion of (33) in Figure 3) and below the pivot pin (33) (See Figure 3), the contact interacting to prevent the clamping plate from turning about the pivot pin (33) and losing the grip on the body fold when the clamping plate (18) is tightened against the foot part (14) (See Figure 3).

However, Grim does not disclose the faces interacting in the locking manner.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing

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structure over that disclosed by Grim which is capable of being used in the intended manner, i.e., the faces in Grim are capable of incorporating a snap fit connection between the faces (see M.P.E.P. 2111).

Regarding claim 7, Grim discloses the pivot pin (33) is connected to walls included in the housing part (See Figure 5)

Regarding claim 8, Grim discloses the housing part has walls formed with channels into which the pivot pin is seated (See Figure 5).

Regarding claim 10, Grim discloses the clamping plate (18) is movable in the downward direction with respect to the foot part (14) for enabling the contact faces (See Figure 3) to become separated from removing the load carrier foot (See Figure 1) from the roof (12) of the vehicle (See Figure 1).

Regarding claim 11, Grim discloses the foot part (14) having an upper end for attachment to the load carrier bar (13), and the lower end for mounting on the roof (12) edge area (See Figure 1); and the clamping plate (18) for securing the foot part (14) to the roof (12) of the vehicle (See Figure 1), the clamping plate (18) having a gripping means (20) (See Figures 2 & 3) for gripping the body fold of the vehicle (See Figure 1), the clamping plate (18) being coupled to the foot part (14) (See Figure 3) by tightening means (24) and the pivot pin (33) in pivotable engagement with the foot part (14) (See

Figure 3), wherein the foot part (14) and the clamping plate (18) are each provided with contact faces (See Figure 3) above and below the pivot pin (33), the contact faces prevent the clamping plate (18) from turning about the pivot pin (33) and causing the gripping means (20) to lose its grip on the body fold when the clamping plate (18) is tightened against the foot part.

However, Grim does not disclose the faces interacting in the locking manner.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Grim which is capable of being used in the intended manner, i.e., the faces in Grim are capable of incorporating a snap fit connection between the faces (see M.P.E.P. 2111).

Regarding claim 12, Grim discloses the pivot pin (33) is connected to walls included in the housing part (See Figure 5)

Regarding claim 13, Grim discloses the housing part has walls formed with channels into which the pivot pin is seated (See Figure 5).

Regarding claim 15, Grim discloses the clamping plate (18) is movable in the downward direction with respect to the foot part (14) for enabling the contact faces (See Figure 3) to become separated from removing the load carrier foot (See Figure 1) from the roof (12) of the vehicle (See Figure 1).

Allowable Subject Matter

4. Claims 4, 9 & 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


5. Applicant's arguments with respect to claims 1 – 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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